

## Message Text

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64

ACTION DLOS-06

INFO OCT-01 IO-13 ISO-00 AF-08 ARA-06 EA-07 EUR-12 NEA-10

OIC-02 SSO-00 NSCE-00 USIE-00 INRE-00 FEA-01 ACDA-07

AGR-05 AID-05 CEA-01 CEQ-01 CG-00 CIAE-00 CIEP-01

COME-00 DODE-00 DOTE-00 EB-07 EPA-01 ERDA-05 FMC-01

TRSE-00 H-02 INR-07 INT-05 JUSE-00 L-03 NSAE-00

NSC-05 NSF-01 OES-06 OMB-01 PA-01 PM-04 PRS-01 SP-02

SS-15 SAL-01 /154 W

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C O N F I D E N T I A L USUN 3509

FROM LOS DEL

FOR THE SECRETARY FROM AMBASSADOR LEARSON (PASSED S/S  
PARTY IN NY)

E.O. 11652: GDS

TAGS: PLOS

SUBJECT: COMMITTEE I - UK DRAFT COUNCIL ARTICLE

SUMMARY: UK DEL HAS PREPARED DRAFT ARTICLE ON COUNCIL  
COMPOSITION AND VOTING AS COUNTER PROPOSAL TO US DRAFT.  
GROUP OF FIVE DISCUSSED BOTH PROPOSALS AT EXPERT LEVEL  
TODAY, AND ALL MEMBERS BUT UK GAVE STRONG SUPPORT TO US  
GOING FORWARD WITH OUR ARTICLE.

1. THE UK DEL HAS CIRCULATED TO MEMBERS OF GROUP OF 5 AND  
FRG DRAFT ARTICLE ON COMPOSITION AND VOTING IN COUNCIL.  
ARTICLE ADOPTS CATEGORIES OF MEMBERSHIP USED IN US  
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PROPOSAL WITH SOME MODIFICATIONS, BUT DOES NOT CONTAIN ANY

FORM OF PRODUCTION/CONSUMPTION WEIGHTED VOTING OR ASSIGNMENT OF VOTING PROXIES. INSTEAD, VOTING PROVISIONS OF UK DRAFT REQUIRE THREE-FOURTHS MAJORITY OF COUNCIL MEMBERS PLUS SIMPLE MAJORITY IN EACH OF THE FIVE CATEGORIES ON IMPORTANT ECONOMIC DECISIONS, AND THREE-FOURTHS MAJORITY OF COUNCIL PLUS SIMPLE MAJORITY OF FOUR OUT OF FIVE CATEGORIES FOR OTHER SUBSTANTIVE DECISIONS. IN EFFECT, UK PROPOSAL PERMITS THREE COUNTRIES TO BLOCK DECISIONS ON WHICH US BY ITSELF HAS VETO UNDER US DRAFT AND PERMITS SIX COUNTRIES TO BLOCK ALL OTHER DECISIONS (WHEREAS OTHER DECISIONS IN US DRAFT MAY BE BLOCKED BY AS FEW AS FIVE INDUSTRIALIZED COUNTRIES WITHOUT GIVING SAME DEGREE OF POWER TO LDCS).

2. TEXT OF UK DRAFT ARTICLE FOLLOWS:

QUOTE. 1. THE COUNCIL SHALL CONSIST OF 36 MEMBERS OF THE AUTHORITY ELECTED BY THE ASSEMBLY, THE ELECTION TO TAKE PLACE IN THE FOLLOWING ORDER:

(A) THE SIX INDUSTRIALIZED STATES WHICH HAVE MADE THE GREATEST CONTRIBUTIONS TO THE EXPLORATION FOR, AND EXPLOITATION OF, THE RESOURCES OF THE AREA AS DEMONSTRATED BY SUBSTANTIAL INVESTMENTS OR ADVANCED TECHNOLOGY IN RELATION TO THE RESOURCES OF THE AREA;

(B) THE SIX STATES WHICH ARE THE LARGEST PRODUCERS OF THE CATEGORIES OF MINERALS TO BE DERIVED FROM THE AREA;

(C) THE SIX STATES WHICH ARE THE LARGEST CONSUMERS OF THE CATEGORIES OF MINERALS TO BE DERIVED FROM THE AREA;

(D) SIX STATES FROM THE DEVELOPING COUNTRIES AT LEAST TWO BEING DRAWN FROM THE LEAST DEVELOPED COUNTRIES;

(E) TWELVE STATES ELECTED ACCORDING TO THE PRINCIPLE OF EQUITABLE GEOGRAPHIC DISTRIBUTION, TO INCLUDE AT LEAST TWO FROM EACH OF THE FOLLOWING REGIONS: AFRICA, ASIA, LATIN AMERICA, EASTERN EUROPE, WESTERN EUROPE AND OTHERS.

2. ELECTIONS SHALL TAKE PLACE AT REGULAR SESSIONS OF THE ASSEMBLY, AND EACH MEMBER OF THE COUNCIL SHALL BE ELECTED FOR A TERM OF FOUR YEARS.

3. MEMBERS SHALL BE ELIGIBLE FOR REELECTION.  
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4. THE COUNCIL SHALL FUNCTION IN CONTINUOUS SESSION AT THE SEAT OF THE AUTHORITY AND SHALL MEET AS OFTEN AS THE BUSINESS OF THE AUTHORITY MAY REQUIRE.

5. EACH MEMBER OF THE COUNCIL SHALL HAVE ONE VOTE.

6. DECISIONS ON QUESTIONS OF PROCEDURE SHALL BE MADE

BY A SIMPLE MAJORITY OF THE MEMBERS PRESENT AND VOTING.

7. EXCEPT AS PROVIDED IN PARAGRAPH 8, ALL DECISIONS ON QUESTIONS OF SUBSTANCE SHALL BE MADE BY A THREE-FOURTHS MAJORITY OF THE MEMBERS OF THE COUNCIL, PROVIDED THAT SUCH MAJORITY INCLUDES AT LEAST A SIMPLE MAJORITY IN FOUR OF THE CATEGORIES SPECIFIED IN PARAGRAPH 1. IF ANY MEMBER OF THE COUNCIL OBJECTS TO A RULING BY THE PRESIDENT ON WHETHER A QUESTION IS ONE OF SUBSTANCE OR NOT, THAT QUESTION SHALL BE TREATED AS A QUESTION OF SUBSTANCE UNLESS THE COUNCIL BY THE MAJORITIES SPECIFIED IN THIS PARAGRAPH DECIDES OTHERWISE.

8. ALL DECISIONS RELATED TO THE EXERCISE OF THE COUNCIL'S POWERS AND FUNCTIONS UNDER PARAGRAPH 2(XI) OF ARTICLE 28, THE BUDGET OF THE AUTHORITY AND THE ASSESSMENT OF CONTRIBUTIONS OF STATE PARTIES (ARTICLES ) AND ARTICLES SHALL BE MADE BY A THREE-FOURTHS MAJORITY OF THE MEMBERS OF THE COUNCIL PROVIDED THAT SUCH MAJORITY INCLUDES AT LEAST A SIMPLE MAJORITY IN EACH OF THE CATEGORIES SPECIFIED IN PARAGRAPH 1. IF ANY MEMBER OF THE COUNCIL OBJECTS TO A RULING BY THE PRESIDENT ON WHETHER A QUESTION FALLS UNDER THIS PARAGRAPH OR NOT, THAT QUESTION SHALL BE TREATED AS FALLING UNDER THIS PARAGRAPH UNLESS THE COUNCIL BY THE MAJORITY SPECIFIED IN THIS PARAGRAPH DECIDES OTHERWISE.

9. BEFORE ANY QUESTION OF SUBSTANCE IS PUT TO A VOTE, A DETERMINATION THAT EFFORTS HAVE BEEN MADE TO REACH GENERAL AGREEMENT SHALL BE MADE BY THE MAJORITIES SPECIFIED IN PARAGRAPH 7.

10. THE COUNCIL SHALL ESTABLISH A PROCEDURE WHEREBY A CONFIDENTIAL

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MEMBER OF THE AUTHORITY NOT REPRESENTED ON THE COUNCIL MAY SEND A REPRESENTATIVE TO ATTEND A MEETING OF THE COUNCIL WHEN A REQUEST IS MADE BY SUCH MEMBER, OR A MATTER PARTICULARLY AFFECTING IT IS UNDER CONSIDERATION. SUCH A REPRESENTATIVE SHALL BE ENTITLED TO PARTICIPATE IN THE DELIBERATIONS BUT NOT TO VOTE. UNQUOTE.

3. GROUP OF 5 HELD MEETING AUGUST 31 A.M. TO HEAR FORMAL REACTIONS OF GROUP TO US DRAFT AND COMMENTS ON UK DRAFT. WITH EXCEPTION OF UK, REACTION TO US DRAFT WAS FAVORABLE. JAPAN SAID THEY LIKED CONCEPT OF US ARTICLE, I.E., WEIGHTED VOTING VERY MUCH; FRANCE WANTS US TO GO FORWARD WITH ARTICLE; USSR WOULD NOT OBJECT TO SUBSTANCE OF US DRAFT AND OUR MOVING IT INFORMALLY THIS SESSION. ALL THREE STRONGLY URGED PRE-NEGOTIATION IN

GROUP OF 5 TO SEE IF WE COULD DEVELOP COMMON POSITION  
ON ARTICLE 27 BEFORE US BEGINS INFORMAL CIRCULATION OF  
ITS PROPOSAL TO WIDER AUDIENCE. FRANCE, JAPAN AND USSR  
DID NOT SUPPORT BRITISH VIEW THAT US PROPOSAL WAS TOO  
EXTREME. THEY APPEARED TO AGREE THAT NEGOTIATING  
CLIMATE IN COMMITTEE I CALLED FOR TOUGH, UNIFIED INDUS-  
TRIALIZED COUNTRY POSITION ON COUNCIL. FRANCE INDICATED  
THEY SAW UK PROPOSAL AS FINAL FALLBACK AND MUCH TOO WEAK  
TO BECOME OPENING POSITION. GROUP AGREED TO MEET FRIDAY,  
SEPTEMBER 3, TO CONSULT ON WHAT CHANGES MIGHT BE MADE TO  
US ARTICLE TO GAIN GROUP OF 5 SUPPORT. ONE SUGGESTION  
HAS BEEN THAT INITIAL CIRCULATION OF DRAFT NOT INCLUDE  
TECHNICAL ANNEX ON HOW WEIGHTED VOTES ARE DETERMINED.  
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